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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,954	06/17/2005	Roman Cetnar	19339-099979	3766

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EXAMINER

THROWER, LARRY W

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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05/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,954	Applicant(s) CETNAR, ROMAN	
	Examiner LARRY THROWER	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2010 has been entered.
2. Claims 1-2 are canceled; claim 3 is amended. Claims 3-4 are under examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleefeldt (US 5,505,506) in view of Schneegans (EP 940241; references are to corresponding Derwent Abstract 1999-520156).
 - Regarding **claim 3**, Kleefeldt discloses a method for fabricating a supporting assembly for a lock and actuating assembly of a motor vehicle (abstract), the actuating assembly having a plurality of actuating members (13, 16) hinged to an

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actuating pin (12, 15) for operating the lock (col. 3, lines 7-20), and the supporting assembly comprising a shell (5) made of plastic material (col. 2, lines 46-48) defining a housing for a first metal plate (2). The method includes placing the first metal plate (2) into a mold die (col. 2, lines 58-64), inserting the actuating pin (12) into the mold die which is separate and spaced from the first metal plate (fig. 1), and molding the shell to the first metal plate in the mold die and around the actuating pin to englobe the actuating pin in the shell (col. 2, lines 61-63).

- Kleefeldt fails to disclose forming a seal gasket around the peripheral edge of the shell in the mold die. However, Schneegans discloses a method for fabricating a supporting assembly for a lock of a motor vehicle in which a seal gasket on an edge of the base member made of plastic material is co-molded in the same molding station in which co-molding the shell on the metal element is performed (abstract). As taught by Schneegans, co-molding the seal gasket on the edge of the shell improves the bond between the seal and shell "...to give more reliable sealing of the door lock and hence more reliable operation" (abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method for fabricating a lock supporting assembly of Kleefeldt with the seal of Schneegans to provide more reliable sealing and operation of the door lock, as taught by Schneegans.
- Regarding **claim 4**, Kleefeldt discloses removing the first metal plate and co-molded shell from the mold die, and placing a second metal plate against the gasket close

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the housing by the shell between the first and second metal plates (col. 1, lines 38-50).

Response to Arguments

5. Applicant's arguments filed January 22, 2010 have been fully considered but they are not persuasive.

- Applicant first argues that "Clearly, the pawl (13) and fork (16) are not mounted on the same first pivot (12)." (emphasis added). This argument has been considered but is not persuasive because it is not commensurate in scope with the claims. The instant claims do not require the actuating members to be hinged to the same actuating pin. The Federal Circuit has repeatedly emphasized that the indefinite article "a" in a claim carries the meaning of "one or more" in open-ended claims containing open-ended transitional phrases. See, e.g., *Baldwin Graphic Systems v. Siebert* (Fed. Cir. 2008). Such is the case here. The transitional phrase is open-ended and the claims recite "an actuating pin." Since the initial indefinite article ("an") carries either a singular or plural meaning, the later references to the same pin in a singular form merely reflect the same potential plurality of pins. Here, the instances of "the actuating pin" in claim 3 are anaphoric phrases, referring to the initial antecedent phrase "an actuating pin." Because the initial phrase carries no definitive numerosity, the anaphoric phrases do not alter that meaning in the slightest.

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- Applicant further argues that "**Second, neither of the cited references disclose a method for fabricating a supporting assembly including the steps of placing a first metal plate into a mold die and molding a shell to the first metal plate in the mold die, as specifically required by claim 3.**" (emphasis in Applicant's response). This argument has been considered but is not persuasive. Column 2, lines 61-63 of Kleefeldt discloses the housing 5 and the cover 8 being made of a durable plastic that is injection molded around the steel plate 2.
- Applicant further argues that there is no disclosure of an actuating pin being placed into the mold die. This argument has been considered but is not persuasive. Column 2, lines 58-63 of Kleefeldt discloses the actuating pins and plate being confined to region 3 around which the plastic is injection molded.
- Applicant finally argues that if fork (16) is placed into a mold die and the housing (5) is molded to the fork (16) then the door latch would not function. This argument has been considered but is not persuasive. The claim requires placing the first metal plate (2) into a mold die (col. 2, lines 58-64), inserting the actuating pin (12) into the mold die which is separate and spaced from the first metal plate (fig. 1), and molding the shell to the first metal plate in the mold die and around the actuating pin to englobe the actuating pin in the shell (col. 2, lines 61-63). These steps are taught in the reference at col. 2, lines 58-63, as noted above. There is nothing in the rejection which requires the fork (16) to be placed into the die and have housing (5) molded to it. As taught by Kleefeldt, molding the shell (5) to the first metal plate (2) and around the actuating pin results in a door latch which functions as intended (abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARRY THROWER whose telephone number is 571-270-5517. The examiner can normally be reached on Monday through Friday from 9:30AM-6PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Thrower/
Examiner, Art Unit 1791

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/Christina Johnson/

Supervisory Patent Examiner, Art Unit 1791